



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



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DEC 13 2004

REPLY TO THE ATTENTION OF

C-14J

December 13, 2004

John P. Nyhan
General Counsel
Cook County Assessor's Office
118 North Clark Street
Chicago, Illinois 60602

Re: Lakeshore East

Dear Mr. Nyhan:

This letter responds to your October 5, 2004 letter regarding Lakeshore East. You state in your letter that you are interested in clarifying several issues including: 1) the reason and timing of U.S. EPA's interest in the Lakeshore East property; 2) U.S. EPA's initial contact with the developer regarding potential contamination; 3) whether the imminent residential development planned for the Site by the Magellan Development Group prompted U.S. EPA's interest and investigation of the property in March 2001; 4) whether the bulk of the removal activities would have been undertaken, but for the fact that the interim use of the property of the golf course had terminated and the property was the subject of a large residential development; 5) whether the residential development made the removal action time critical; 6) whether any areas of the golf course would have required removal activities had the site remained a golf course; 7) the date U.S. EPA approved the STS Work Plan; and 8) the date major soil removal activities commenced.

While U.S. EPA had been interested in the Lakeshore East/Family Golf Course area due to its undeveloped status and location near other areas in the Streeterville area that had radioactive contamination, area residents expressed their concern to U.S. EPA about potential radioactive contamination at the property and impending development. Once U.S. EPA learned of the impending development we contacted the developer to request access for a walkover survey. U.S. EPA's initial contact was with Sean Linnane of the Magellan Development Group. Verneta Simon, On-Scene Coordinator of U.S. EPA contacted Mr. Linnane by telephone on March 15, 2001, and followed up with a letter dated March 30, 2001.

In June 2001, Mr. Linnane signed a consent for access to the property on behalf of himself and all other contract purchasers that allowed U.S. EPA access to the property to conduct a walkover survey. That same month U.S. EPA conducted a partial radiation walkover survey of the

property and sent a letter dated July 2, 2001, to the Magellan Development group explaining that U.S. EPA detected three anomalies in radiation levels on the property. The letter requested that Magellan fully delineate radioactive contamination at the property prior to construction that was to begin in September 2001.

By letter dated July 16, 2001, Sean Linnane stated that it was the intent of the Magellan Development Group, Ltd., as future developers of the Golf Course/Lakeshore East Site, to delineate the contamination anomalies prior to the commencement of any construction.

On July 17, 2002, U.S. EPA issued an Action Memorandum that states that an imminent and substantial threat to public health and the environment exists due to radioactive material present at portions of the Family Golf Course/Lakeshore East Site, which is presently a Golf Course and is the proposed site of a major 26 acre mixed-use development. The memo further states that there is a period of less than six months available before cleanup activities must begin at the site, thus, the action was characterized as a time-critical removal. The basis for this time-critical removal action was the information that the developers planned to begin intrusive development work on the property in September 2001. The type of development is not a relevant criteria for a time-critical removal action, rather in this instance, the plan to intrude into the soils was the relevant factor.

Had the site remained a golf course and not undergone development there are at least two possible actions that U.S. EPA may have required to address the contamination anomalies discovered in 2001. These options include but are not limited to: 1) no removal action necessary coupled with the requirement that radiation monitoring be conducted whenever soils were intruded upon; or 2) further testing of the soils at the surface where anomalies were discovered to determine if the soil at the surface required removal. The site, however, did not remain a golf course and U.S. EPA did not contemplate or explore these or other options.

U.S. EPA approved the Work Plan by letter dated October 15, 2002. Major soil removal activities commenced on October 8, 2002.

If you have further questions or would like copies of any of the documents referred to please contact me at (312) 886-7166.

Sincerely,

A handwritten signature in cursive script, reading "Cathleen R. Martwick".

Cathleen R. Martwick
Associate Regional Counsel

bcc: Mary Fulghum
Fred Micke ✓
Verneta Simon